

REMARKS/ARGUMENTS

The Final office action of December 5, 2005 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1, 8, 16, and 22 are amended. Claim 25-27 are canceled. New claims 28-30 are added. No new matter is added.

Examiner interview

Preliminarily, applicants wish to thank the Examiner for the courtesies extended to the undersigned during the personal interview on January 26, 2006. In accordance with MPEP 713.04, the claim amendments reflect those discussed during the interview and the arguments below include the entirety of the arguments presented during the interview and possibly additional arguments.

Rejection of claims under 35 U.S.C. § 102

Claims 1, 3-5, and 7

Claims 1, 3-5, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stephens (U.S. Patent No. 5,734,254). This rejection is respectfully traversed.

Claim 1 recites, among other things, that the transmission element provides inductive energy to the battery pack and inductive data communications to the battery pack based on a polling message having a header and a payload. Stephens fails to teach or suggest these features.

Rather, Stephens merely discloses a battery pack 10 charged by an adapter 40 when in proximity to the adapter 40 (col. 3, lines 50-53) but fails to teach or suggest inductive data communications or a transmission element providing the inductive data communications to a battery pack. Stephens also fails to teach or suggest a polling message having a header and a

payload. To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Because Stephens fails to teach each and every element as set forth in claim 1, the rejection should be withdrawn.

Claims 3-5 and 7 depend from claim 1. Therefore, claims 3-5 and 7 are allowable for at least the reasons set forth above for claim 1.

In addition, claim 7 recites a plurality of transmission elements responsive to a power adapter each configured to operate independently of each other. Stephens fails to teach or suggest a plurality of transmission elements each configured to operate independently of each other. Rather, Stephens merely discloses a single secondary transformer winding 32 (Col. 3, lines 34-35 and FIG. 1). The Office Action asserts that Stephens discloses elements 24, 38, 68, 54, 32, and 62 as a plurality of transmission elements (see Office Action, page 6). However, elements 24 and 54 of Stephens are IR ports (col. 3, lines 61 and 67), element 38 is disclosed as a device that indicates “that a battery pack is positioned for charging” (see col. 3, lines 50-53), and element 68 is a proximity detector (col. 3, lines 61-62). Also elements 24, 38, and 32 are disclosed as elements of the battery pack and are not disclosed as elements of the adapter 40 (see FIG. 1). Elements 24, 54, 32, 38 and 68 are therefore not transmission elements of the apparatus of claim 1. The Office Action reply fails to address this deficiency in Stephens.

Withdrawal of the rejection is respectfully requested.

Claims 16, 17, 19, 22 and 23

Claims 16, 17, 19, 22 and 23 were rejected under 35 U.S.C. § 102(b) as being anticipated by Garcia (U.S. Patent No. 5,963,012). This rejection is respectfully traversed.

Claims 16 and 22 recite, among other things, a polling message including a data structure having a header and a payload. Garcia fails to teach or suggest a polling message. The Office Action cites Garcia at col. 2, lines 47-59 as providing a polling message, however, Garcia merely discloses a sensor reading battery cell parameters and transferring the battery

parameter information to an external source. There is no teaching or suggestion of a polling message.

The Office Action cites Garcia at col. 2, lines 30-59 and asserts that Garcia discloses:

"electromagnetic resonant wave created by the coils established a mutual induction and a data transfer between the charger and the battery pack, which including energizing and de-energizing of a transmission element in the source (204) at a predetermined elapsed time value, for certain period of time is starts signal transmission when the electro magnetic waves are generated by the excitation circuits, and stops for certain period of times when the two circuits are not in close distance." See Office Action, page 8.

Based on the above assertion, the Office Action erroneously concludes that Garcia provides a polling message. Applicants disagree with the Office Action's contention. However, merely to expedite prosecution, claims 16 and 22, as amended, recite that the polling message includes a data structure having a header and a payload. The "electromagnetic resonant wave," based on the Office Action's assertion reproduced above merely "established a mutual induction and a data transfer between the charger and the battery pack." Even assuming the Office Action's assertion to be correct, the Office Action does not contend that the "electromagnetic resonant wave" includes a data structure having a header and a payload. Indeed, it does not.

It is respectfully submitted that the rejection should be withdrawn.

Claims 17 and 19 depend from claim 16 and claim 23 depends from claim 22 and are allowable for at least the reasons set forth above for claim 16 and/or claim 22.

Rejection of claims under 35 U.S.C. § 103(a)

Claims 8 and 10-12

Claims 8 and 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks (U.S. Patent No. 5,455,466) in view of Garcia. This rejection is respectfully traversed.

Claim 8, as amended, recites, among other things, a coil configured for receiving an inductive data communication and the power supply configured to output a direct current powered by the inductive energy and relevant to the inductive data communication. Parks

fails to teach or suggest an inductive data communication or a pick up coil configured for receiving the inductive data communication. Parks also fails to teach or suggest outputting a direct current powered by the inductive energy and relevant to the inductive data communication. Therefore, the rejection should be withdrawn.

Claims 10-12 depend from claim 8 and are allowable for at least the reasons set forth above for claim 8.

Claims 2 and 6

Claims 2 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephens in view of Stobbe (U.S. pat No. 6,275,143). Claims 9, 13, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks in view of Garcia and further in view of Stobbe. These rejections are respectfully traversed.

Claims 2 and 6 depend from claim 1. Claims 9, 13, and 15 depend from claim 8. As set forth above, Stephens and/or Parks and Garcia, either alone or in combination, fail to teach or suggest, for example, a transmission element operatively coupled to the processor so as to provide the inductive energy to the battery pack and to provide inductive data communications to the battery pack (claim 1) or a pick up coil configured for receiving an inductive data communication (claim 8). Stobbe fails to make up for the deficits of Stephens, Parks and/or Garcia. The Office Action relies on Stobbe to provide “the apparatus in which the memory includes authentication data for authentication the battery pack for the inductive energy transmission.” See Office Action, page 6. The Office Action does not assert that Stobbe teaches or suggests any of the features of the independent claims. Indeed, Stobbe does not. Therefore, the rejection should be withdrawn.

Claim 14

Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Parks in view of Garcia and further in view of Higuchi (U.S. Pat. No. 6,163,132). This rejection is respectfully traversed.

Claim 14 depends from claim 8. As set forth above Parks and Garcia, either alone or in combination, fails to teach or suggest claim 8. Higuchi fails to make up for the deficits of Parks. For example, Higuchi also fails to teach or suggest a pick up coil for receiving an inductive data communication. Nor does the Office Action assert that Higuchi does. Therefore, the rejection should be withdrawn.

Claims 18 and 24

Claims 18 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia in view of Stobbe. These rejections are respectfully traversed.

Claim 18 depends from claim 16. Claim 24 depends from 22. As set forth above Garcia fails to teach or suggest claim 16 or claim 22. Stobbe fails to make up for the deficits of Garcia. Neither Garcia nor Stobbe, either alone or in combination, teaches or suggests a polling message including a data structure having a header and a payload. Stobbe is relied upon by the Office Action merely for providing authenticating data. Therefore, the rejection should be withdrawn.

Claims 20 and 21

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Garcia in view of Higuchi (U.S. Pat. No. 6,163,132). These rejections are respectfully traversed.

Claims 20 and 21 depend from claim 16. As set forth above Garcia fails to teach or suggest claim 16. Higuchi fails to make up for the deficits of Garcia. Neither Garcia nor Higuchi, either alone or in combination, teaches or suggests a polling message including a data structure having a header and a payload, for example. Higuchi is relied upon by the Office Action for providing transmitting data to a computer system. Even assuming *arguendo* Higuchi provides this disclosure, Higuchi still fails to teach or suggest the polling message. Therefore, the rejection should be withdrawn.

Appln. No.: 10/733,760
Amendment dated February 1, 2006
Reply to Office Action of December 5, 2005

New claims 28-30 are believed to be allowable over the cited references.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

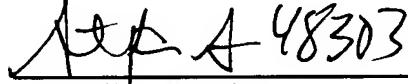
All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: February 1, 2006

By:



Darrell G. Mottley
Registration No. 42,912

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001